

Exhibit C

1 DAVID H. HARPER*
2 *david.harper@haynesboone.com*
3 JASON P. BLOOM*
4 *jason.bloom@haynesboone.com*
5 **HAYNES AND BOONE, LLP**
6 2801 N Harwood St., Suite 2300
7 Dallas, Texas 75201
8 Telephone: (214) 651-5000
9 Facsimile: (214) 651-5940
10 *Admitted Pro Hac Vice

11 JASON T. LAO, SBN 288161
12 *jason.lao@haynesboone.com*
13 ANDREA LEVENSON, SBN 323926
14 *andrea.levenson@haynesboone.com*
15 **HAYNES AND BOONE, LLP**
16 600 Anton Boulevard, Suite 700
17 Costa Mesa, California 92626
18 Telephone: (949) 202-3000
19 Facsimile: (949) 202-3001

20 REID PILLIFANT*
21 *reid.pillifant@haynesboone.com*
22 **HAYNES AND BOONE, LLP**
23 98 San Jacinto Blvd., Suite 1500
24 Austin, TX 78701
25 Telephone: (512) 867-8400
26 Facsimile: (512) 867-8470
27 *Admitted Pro Hac Vice

28 *Attorneys for Plaintiff*
X Corp.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

19 X CORP., a Nevada corporation,
20 Plaintiff,
21 vs.
22 BRIGHT DATA LTD., an Israeli
23 corporation,
24 Defendant.

Case No. 3:23-cv-03698-WHA

**DECLARATION OF REID PILLIFANT
IN SUPPORT OF X-CORP.'S
OPPOSITION TO BRIGHT DATA LTD.'S
MOTION FOR SUMMARY JUDGMENT
ON X'S BROWSER-WRAP CLAIM**

Date: March 28, 2024
Time: 8:00 a.m.
Ctrm: 12, 19th Floor

Hon. William Alsup

1 I, Reid Pillifant, state and declare as follows:

2 1. My name is Reid Pillifant. I am more than 21 years old, and I have never been
3 convicted of a felony or of any crime involving moral turpitude and suffer from no mental or
4 physical disability that would render me incompetent to make this Declaration. I am able to swear,
5 and I hereby do swear, that all of the facts stated in this Declaration are true and correct and are
6 within my personal knowledge.

7 2. I am a licensed attorney in the State of Texas with the law firm of Haynes and
8 Boone, LLP, which represents X Corp. ("X") in the above-referenced case against Bright Data
9 Ltd. ("Bright Data"). I have been granted pro hac vice admission in this matter.

10 3. Attachment 1 is a true and correct copy of a screen capture taken on February 6,
11 2024, from the X website at <https://business.twitter.com/en.html>.

12 4. Attachment 2 is a true and correct copy of a screen capture taken on February 6,
13 2024, of the @hola_orgaccount page from the X website, located at www.x.com/hola_org.

14 5. Attachment 3 is a true and correct copy of a screen capture taken on February 6,
15 2024, of the @luminatinetwork account page from the X website, located at
16 www.x.com/luminatinetwork.

17 6. Attachment 4 is a true and correct copy of a screen capture taken on February 6,
18 2024, of the @luminati_proxy account page from the X website, located at
19 www.x.com/luminati_proxy.

20 7. On February 6, 2024, I navigated to the Luminati Networks account page on X and
21 clicked on the link in the account information portion of the page. That link
22 (luminati.io/?cam=twitter) redirected to the page <http://brightdata.com>.

23 8. On February 6, 2024, I entered the address <http://luminati.io> into a web browser
24 and the website redirected to <http://brightdata.com>.

25 9. Attachment 5 is a true and correct copy of a screen capture taken on February 6,
26 2024 from the Bright Data website at <https://brightdata.com/luminati>, titled "We are Bright. We
27 were Luminati".
28

1 10. Attachment 6 is a true and correct copy of a screen capture taken on July 10, 2023
2 from Bright Data's website at <https://brightdata.com/products/datasets/twitter> advertising Twitter
3 Datasets for sale.

4 11. Attachment 7 is a true and correct copy of a screen capture taken on July 10, 2023
5 from Bright Data's website at <https://brightdata.com/products/web-scraper/twitter> advertising a
6 product call "Twitter Scraper" for sale.

7 12. Attachment 8 is a true and correct copy of a screen capture taken on July 10, 2023
8 from Bright Data's website at <https://brightdata.com/products/web-scraper/twitter/profile>
9 advertising a product called "Twitter Profile Scraper" for sale.

10 13. Attachment 9 is a true and correct copy of a screen capture taken on July 10, 2023
11 from Bright Data's website at <https://brightdata.com/products/web-scraper/twitter/image>
12 advertising a product called "Twitter Image Scraper" for sale.

13 14. Attachment 10 is a true and correct copy of a screen capture taken on July 10, 2023
14 from Bright Data's website at <https://brightdata.com/products/web-scraper/twitter/followers>
15 advertising a product called "Twitter Followers Scraper" for sale.

16 15. On November 13, 2024, X Corp. served Requests for Production, Interrogatories,
17 and Requests for Admission on Bright Data. Attachments 11, 12, and 13 are true and correct copies
18 of X Corp.'s Requests.

19 16. On December 13, 2023, counsel for Bright Data served their Responses and
20 Objections to X Corp.'s First Set of Interrogatories, Requests for Production and Requests for
21 Admissions. Attachments 14, 15, and 16 are true and correct copies of the Responses provided by
22 Bright Data.

23 17. On February 1, 2024, counsel for Bright Data served their First Supplemental
24 Responses and Objections to X Corp.'s First Set of Interrogatories, Requests for Production and
25 Requests for Admissions. Attachments 17 and 18 are true and correct copies of Bright Data's First
26 Supplemental Responses to X Corp.'s First Set of Requests for Production and Requests for
27 Admission. Because Bright Data designated its Responses to Interrogatories as "Confidential,"
28 those are not attached.

1 18. Bright Data has not, as of the date of this declaration, produced any documents in
2 response to X Corp.'s First Set of Interrogatories, Requests for Production and Requests for
3 Admissions, and no witnesses have been deposed in this matter.

4 19. I reviewed the motion for summary judgment filed by Bright Data. (Dkt. 62). Based
5 on my review, there is a factual dispute relevant to this Motion relating to, at the very least: (1) the
6 timing and extent of Bright Data's ownership and use of X Corp. accounts, including the account
7 names, activation dates, and deactivation dates, if any; (2) Bright Data's and its executives'
8 knowledge and awareness of X Corp.'s terms at any time; and (3) the methods Bright Data has
9 used at any time to access the X platform and scrape X data. X Corp. has already propounded
10 discovery on these issues; to date, Bright Data has not produced any documents. X Corp. would
11 suffer substantial harm or prejudice by having to respond to this Motion before a meaningful
12 opportunity for discovery.

13 Pursuant to 17 U.S.C. § 1746, I declare under penalty of perjury under the laws of the
14 United States that the foregoing is true and correct.

15 EXECUTED on this 7th day of February, 2024 in Austin, Texas.

16
17
18 /s/ Reid Pillifant
19 REID PILLIFANT
20
21
22
23
24
25
26
27
28